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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,170	04/18/2006	Denis S. Milov	P21667	7336
59796 7590 11/21/2011 INTEL CORPORATION c/o CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402				
EXAMINER LEE, JOHN W				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 11/21/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

heather.l.adamson@intel.com  
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**Office Action Summary****Application No.**

10/576,170

**Applicant(s)**

MILOV ET AL.

**Examiner**

JOHN LEE

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-33 is/are pending in the application.
- 5a) Of the above claim(s) 6-11, 17-22 and 26-33 is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB-03)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

- Claims 1-5, 12-16 and 23-25 are pending; claims 1, 12 and 16 are amended; claims 6-11, 17-22 and 26-30 are withdrawn; claims 31-33 are canceled.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 August 2010 has been entered.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 12-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an article, which is a non -statutory subject matter.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5, 12-16 and 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not support the new amended limitation—"checking recorded time conditions in the execution scenario script to handle variations in playback speed."

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 12-16 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redstone Software, Inc. ("Software Automation & Testing", hereinafter, "Redstone") in view of Vinson et al. (US 2003/0172374 A1).

a. Regarding claim 1, Redstone discloses a computer-implemented method of automatically controlling execution of an application program by a computer system, the application program having a graphical user interface for displaying information on a display coupled to the computer system (page 2, "Eggplant") comprising:

capturing user input data and images (page 7, "capture mode"; page 8, "capture images of the target controls and screen locations") displayed by the graphical user interface on the display (page 8, figure) during a recording phase of execution of the application program by the computer system ("The invention is a software, which makes it readily apparent and inherent that a computer having a display is required to run it.");

analyzing the captured user input data and displayed images to generate an execution scenario script during the recording phase (pages 8 and 12, "generating a script"), wherein the captured user input data is to be stored in a memory ("The invention is a software, which makes it readily apparent and inherent that a computer having a memory is required to run it.");

generating simulated user input data based on the execution scenario during a playback phase of execution of the application program by the computer system and inputting the simulated user input data to the application program (page 4, "Scripts interact with the system-under-test at the same level that a real user would, keying off the same visual cues and sending the same inputs");

performing image analysis on images displayed by the graphical user interface on the display as a result of processing the simulated user input data during the playback phase and captured displayed images from the recording phase (page 4, "Scripted actions use advanced image-matching algorithms to locate elements of the interface to target"); and

automatically controlling execution of the application program by the computer system based at least in part on the image analysis (page 4, "Scripted actions use advanced image-matching algorithms to locate elements of the interface to target").

However, Redstone does not disclose checking recorded time conditions in the execution scenario script to handle variations in playback speed.

Instead of Redstone, Vinson discloses checking recorded time conditions in the execution scenario script to handle variations in playback speed ("[s]uch controls may include buttons for stopping playback, starting playback at normal speed, controlling playback speed, controlling content playback direction, skipping forward or backward in the content stream, and the like" at ¶0351).

Redstone and Vinson are combinable because both are related to the field of content display and control.

At the time of the invention, it would have been obvious to one of the ordinary skill in the art to utilize the controls including buttons for stopping playback, starting playback at normal speed, controlling playback speed, controlling content playback direction, skipping forward or backward in the content stream, and the like of Vinson to Redstone's invention.

The suggestion/motivation would have been to collect more reliable data through its use of private, non-invasive data collection techniques ... [and,] provide data which lends itself to more advanced, thorough, and privacy-secure analysis techniques ... [and] analyze data more accurately (Vinson; ¶0046).

b. Regarding claim 2, Redstone further discloses wherein performing image analysis comprising comparing the displayed images captured during the recording phase with displayed images from the playback phase (page 4, "advanced image-matching algorithm").

c. Regarding claim 3, Redstone further discloses wherein the user input data comprising at least one of keyboard input data and mouse input data (page 16, "driven by the mouse or the keyboard").

d. Regarding claim 4, Redstone further discloses wherein analyzing the captured user input data and displayed images in the recording phase comprising identifying actions of the application program corresponding to the captured user input data (Page 7, "For the user to interact remotely with system using script, it is readily apparent and inherent that the analyzing process will identify actions of the application program corresponding to the captured user input data.").

e. Regarding claim 5, the combination of Redstone and Vinson discloses using a script, but not any details which markup language is used. However, the applicant does not disclose any advantage or reason why XML is used as the markup language for the script. Especially, the applicant only discloses that XML can be used as one of the high level language for the script in the abstract. So, using a XML for the script will be a design choice.

It would have obvious in one of the ordinary skill in the art to use XML as a markup language for the script of the combination of Redstone and Vinson because

XML is one of the widely used markup language and will provide simplicity, generality, and usability for applications.

Regarding claims 12-16, claims 12-16 are analogous and correspond to claim 1-5, respectively. See rejection of claims 1-5 for further explanation.

Regarding claims 23-25, claims 23-25 are analogous and correspond to claim 1-2 and 4, respectively. See rejection of claims 1-2 and 4 for further explanation.

### ***Conclusion***

8. No claims are allowed.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO



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Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W. LEE/

Primary Examiner, Art Unit 2624